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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,483

02/13/2007

Hiroomo Kuwahara (Deceased)

KAS.074

3149

48234

7590

09/17/2008

MEREK, BLACKMON & VOORHEES, LLC
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EXAMINER

REIS, RYAN ALEXANDER

ART UNIT

PAPER NUMBER

3752

MAIL DATE

DELIVERY MODE

09/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,483	Applicant(s) KUWAHARA (DECEASED) ET AL.	
	Examiner RYAN REIS	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/24/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4,767,056 to Demetrius et al. (Demetrius et al.).

As to claim 1, Demetrius et al. discloses a spray gun (12) allowing paint in an atomized state to be jetted from a paint jetting part (14) in a body frame by operation of an operating member (32), wherein air jetting means (22) for forming a covering air flow surrounding the periphery of atomized paint jetted from the paint jetting part is formed in a thick-walled part or internal space of the body frame, whereby the covering air flow can be formed by the air jetting means in connection with the operation of the operating member (see column 2, lines 15-24).

As to claim 2, Demetrius et al. discloses a spray gun (12) allowing paint in an atomized state to be jetted from a paint jetting part (14) in a body frame by operation of an operating member (32), wherein an air jetting part (22) for jetting compressed air for forming a covering air flow surrounding the periphery of atomized paint jetted from the paint jetting part, an air intake (see Figure 1) for receiving external compressed air, an

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air ventilation path (28) for flowing the compressed air from the air intake to the air jetting part, and an air valve (30) for opening and closing the air ventilation path are provided in a thick-walled part or internal space of the body frame, whereby interlocking means for opening and closing the air valve can be provided in connection with operation of the operating member (see column 2, lines 15-24).

3. Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3,857,511 to Govindan (Govindan).

As to claim 2, Govindan discloses a spray gun allowing paint in an atomized state to be jetted from a paint jetting part (3) in a body frame (2) by operation of an operating member (5), wherein an air jetting part (b) for jetting compressed air for forming a covering air flow surrounding the periphery of atomized paint jetted from the paint jetting part, an air intake (1) for receiving external compressed air, an air ventilation path (from 1 through 9 to b; see Figure 1) for flowing the compressed air from the air intake to the air jetting part, and an air valve (4) for opening and closing the air ventilation path are provided in a thick-walled part or internal space of the body frame, whereby interlocking means for opening and closing the air valve can be provided in connection with operation of the operating member (see column 3, lines 38-41).

As to claim 3, Govindan discloses the paint jetting part is provided on the front part of a longitudinal part of said body frame, a longitudinal input bar member (11) for

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opening and closing a paint valve part (10) forming a part of the paint jetting part is provided behind the paint jetting part, and an air valve element (4) forming a part of the air valve is provided behind the input bar member (see Figure 1), whereby the input bar member can be displaced in connection with the operation of the operating member (see column 3, lines 49-53).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 2,504,216 to Morton and 4,200,234 to Baldwin show spray guns with a fluid jetting portion and an air jetting portion surrounding the fluid jetting portion.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN REIS whose telephone number is (571)270-5060. The examiner can normally be reached on Monday through Friday 8:00am to 6:00pm EST.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RR/

Examiner, Art Unit 3752

/Len Tran/

Supervisory Patent Examiner, Art Unit 3752